

Ser. No. 09/939,211
Response to Office Action of 11 September 2003
Atty Docket 117163-23

REMARKS

Claim Status

Claims 1-21 and 24-104 are pending in the case, claims 22 and 23 having been previously cancelled. Claims 25 and 26 are withdrawn from consideration by the Examiner, due to a restriction requirement made previously.

Claim 1 is amended above to clarify the preamble and is also amended by inclusion of limitations from claims 4 and 7, which are then cancelled.

Claim 6 is amended to change a reference to "the first direction" to "the longitudinal direction."

Claims 11, 57 are amended to clarify directions and surfaces on the stent.

Claims 12-14, 64, 67, 70-71, 74-76 are amended to remove references to the sheathing device, which not a part of the stent as claimed.

Claims 2 and 3 are cancelled as pertaining to subject matter cancelled from claim 1 in amending claim 1.

Claim 27 is cancelled as being substantially equivalent to claim 3.

Claims 28 and 29 are cancelled as being substantially equivalent to claim 4.

Claims 30-32 are cancelled as being substantially equivalent to claim 5.

Claims 33-35 are cancelled as being substantially equivalent to claim 6.

Claims 36-39 are cancelled as being substantially equivalent to claim 7.

Claims 40-43 are cancelled as being substantially equivalent to claim 8.

Claims 45-49 are cancelled as being dependent from now-cancelled claims.

Claims 51-56 are cancelled as being dependent from now-cancelled claims.

Claims 58-63 are cancelled as being dependent from now-cancelled claims.

Claim 65 is cancelled as being substantially equivalent to claim 12.

Claim 66 is cancelled as being dependent from a now-cancelled claim.

Claims 68, 69 are cancelled as being dependent from a now-cancelled claim.

Claims 72, 73 are cancelled as being dependent from a now-cancelled claim.

Claims 79, 80 are cancelled as being dependent from a now-cancelled claim.

Claims 83, 84 are cancelled as being dependent from a now-cancelled claim.

Claims 87, 88 are cancelled as being dependent from a now-cancelled claim.

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Claims 91, 92 are cancelled as being dependent from a now-cancelled claim.

Claims 96-98 are cancelled as being dependent from a now-cancelled claim.

Claims 102-104 are cancelled as being dependent from a now-cancelled claim.

Priority Documents

The Examiner's receipt of the priority document is acknowledged.

Information Disclosure Statement

The Examiner's review of the Information Disclosure Statement is acknowledged.

Drawing objections

The Examiner's objection to the drawings for failing to identify certain elements of claim 24 is addressed not by amending the drawings, but instead by amending paragraphs [0052] and [0053] of the specification as filed. These amendments are made without introducing new matter, based upon the inherent content of the drawings to demonstrate the use of the invention.

Section 112 rejections

Claims 1-21, 24 and 27-104 are objected to as indefinite for reciting the subject matter as "a stent, in particular a peripheral stent." The Examiner has stated that he is not clear what is meant by a peripheral stent. This objection is addressed by deleting the phrase "in particular a peripheral stent" from the preamble. For the record, the applicant notes that a peripheral stent is one that would be intended for use in the peripheral vascular system.

With respect to claim 5, the Examiner has objected to the phrase "a peripheral direction." Applicant asserts that it is common in cylindrical stent terminology to refer to the stent as having a longitudinal direction, that is, a direction along its longitudinal axis, and a peripheral direction, that is, around the circumference at a point of a particular axial location. In viewing the drawings, which commonly show the stent in a planar configuration, the peripheral direction would be perpendicular to the longitudinal direction.

Amendments have been made to claims 12-14, 64, 67, 70-71, 74-76 to remove references to the sheathing device, which is not a part of the stent as claimed in the claims depending from claim 1.

Section 102, 103 rejections

While recognizing that the Examiner has made numerous claim rejections of the pending claims based on US Patent 6,190,406 to Duerig ("Duerig '406") and US Patent

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6,461,380 to Cox ("Cox '380"), applicant chooses to not address them individually, but instead to point out that the limitations now contained in claim 1 regarding the arrangement of the connecting bars is in no way anticipated by or obvious over these pieces of art, either acting alone or in combination.

Provisional double patenting rejection

The Examiner's provisional obviousness-type double patenting rejection of all pending claims is noted. The applicant notes that this will probably be mooted by the abandonment of the co-pending application, Ser. No. 09/939,057.

It is believed that all issues raised by the Office Action have been addressed, and review and allowance of the claims as they stand after amendment is earnestly requested.

Respectfully submitted,

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